

IROM, WITTELS, FREUND, BERNE AND SERRA, P.C.

ATTORNEYS AT LAW
349 EAST 149TH STREET
BRONX, NEW YORK 10451

JOSEPH M. IROM
MILTON WITTELS
ANDREA L. FREUND
RICHARD W. BERNE
WESLEY M. SERRA

TELEPHONE (718) 665-0220
FACSIMILE (718) 665-8004
E-MAIL Lawoffice@iromlaw.com

November 24, 2014

Hon. Vincent L. Briccetti
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: *A.F. et al. v. United States*
Docket 14-cv-374 (VB)

Dear Judge Briccetti:

I respectfully write this letter in response to the Court's direction to submit an account of any settlement negotiations in the above matter by this date. As the Court's records will reflect, this office represents the Plaintiffs. The undersigned has shown the letter to Assistant United States Attorney Arastu Chaudhury, who concurs in its contents.

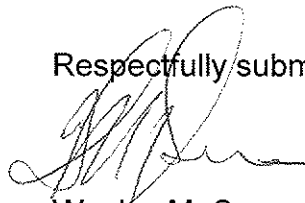
The parties have worked well together during fact discovery. In addition to the usual paper discovery, we have conducted seven depositions, all without facing an issue requiring Court resolution. However, no settlement conversations have taken place, mostly because both sides wish to see their opponent's expert report (and perhaps depose their opponent's expert) first. The case, of course, alleges medical malpractice, and expert testimony is thus of particular importance. Both sides remain willing to engage in meaningful negotiations thereafter.

One scheduling issue has arisen. Both sides desire to take the deposition of a subsequent treating physician who has left the State, and is now located in Texas. The witness is anticipated to testify as to both fact and expert opinion matters; fact discovery is otherwise complete. We are in the process of arranging a telephone or video deposition. However, Plaintiff's expert report is currently due on December 7, 2014; even assuming the deposition is taken by then, the parties (let alone experts) will not have the transcript by that time. Defendant's expert report is then due on December 21, 2014, at the start of the holidays. Needless to say, the experts must review the transcript of a deposition of a subsequent treating physician before writing a report.

Accordingly, the parties respectfully request a thirty-day extension in the dates for expert discovery. Plaintiff's expert report would thus be due on January 7, 2015; defendant's on January 21, 2015; the completion of expert discovery on February 12, 2015; and a Case Management Conference on a date convenient to the Court in mid-February. Should the Court approve, a proposed Revised Scheduling Order is attached.

Thank you for your consideration.

Respectfully submitted,



Wesley M. Serra